

TOWN OF MONSON
Certifications-Special Town Meeting
May 12, 2014

Article 3:

The Town voted unanimously to pass over this article (Emergency Dispatcher's Salary Acct)

Article 15:

The Town voted to unanimously to amend the Town of Monson Zoning Bylaw, Section 1.7, **Definitions** by adding the following definitions and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

Best Management Practices (BMPs) - Practices that have been determined to be the most effective and practicable means of preventing or reducing undesirable environmental impacts

Critical Root Zone (CRZ) - The critical root zone (also known as essential root zone) is the portion of a tree's root system that is the minimum necessary to maintain the stability and vitality of the tree. It can be calculated by using the following formula: tree trunk diameter at breast height X 2, then convert to feet. For example, for a tree with a trunk diameter of 10 inches, the critical root zone would have a diameter of 20 feet.

Drip Line - The circle that could be drawn on the soil around a tree directly under the tips of its outermost branches. Rainwater tends to drip from the tree at this point.

Heat Island Effect (Heat Pollution) - The increase in ambient temperatures that occurs in developed areas because paved areas and buildings absorb more heat from the sun than natural landscape.

Infiltration - The downward movement of water from the surface to the subsoil.

Low Impact Development (LID) - A set of approaches that seeks to mimic a site's pre-development hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. Instead of conveying, managing and/or treating stormwater in large, end-of-pipe facilities, LID utilizes small-scale, decentralized practices that infiltrate, treat, evaporate, and transpire rain water and snow melt. These practices include bioretention areas, grassed swales, reduced impervious areas, preservation of open space, increased development density, smaller lot sizes, reconfiguration of lots, alternative street and parking design, and alternative structural stormwater treatment methods

Pre-development - The state of a site prior to development. The pre-development state shall be interpreted as the state of a site at the time of property purchase for the permitted development project.

Recharge - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Registered Marijuana Dispensary (RMD) - A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health on accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

Off-Site Medical Marijuana Dispensary (OMMD) - A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105CMR 725.00.

Article 16:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw, **Table of Use Regulations Table 1**, by adding the following and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

Medical Marijuana Treatment Center/Registered Marijuana Dispensary

Permitted By-Right use in Industrial Districts subject to Site Plan Approval.

Off-Site Medical Marijuana Dispensary

Permitted By-Right use in Industrial Districts subject to Site Plan Approval.

Article 17:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw by amending Section 3.3.8.1, **Reconstruction after Catastrophe or Demolition** as follows and further and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

Add the following to the end of the first sentence in Section 3.3.8.1

“...Notwithstanding the previous sentence, a nonconforming structure destroyed or partially destroyed so as to be unable to be used by the June 1, 2011 F-3 tornado may extend for up to one (1) year the timeframe to reconstruct said premises for a total of up to four (4) years. However no extension under this sentence shall be granted beyond June 2, 2015.”

Article 18:

The Town voted by standing vote (YES-84, NO-23) to amend the Town of Monson Zoning Bylaw by deleting the current section **5.1.2 Lighting in its entirety** and replacing it with the following and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

5.1.2 Lighting. All Site lighting shall to the extent feasible minimize light pollution, including glare and light trespass, while maintaining safety, visibility and security of individuals and property.

1. Lighting shall be shielded to prevent direct glare and light trespass, and shall be contained to the target area to the extent feasible. Light trespass beyond the property line and above a 90 degree horizontal plane is prohibited.
2. All outdoor lighting shall have full cutoff fixtures. Cutoffs shall shield bulbs from visibility.
3. General site lighting shall focus light downwards in order to prevent light from going upwards or reaching off-site areas
 - (a) The horizontal plane of the bottom of lamp fixtures shall not exceed 90 degrees. No up lighting is allowed: parking, security and aesthetic lighting shall shine downward.
 - (b) Spotlights used to illuminate buildings, signs or specific site features may point upward toward an object but shall be targeted on such objects so as to prevent direct up lighting. Cutoffs shall limit lighting to a 45 degree angle above the horizontal plane.
 - (c) Upward search or spotlighting of the sky for entertainment or advertising purposes is prohibited.
4. All nonessential lighting, including display, parking and sign lighting, shall be automatically turned off after business hours, leaving only the lighting necessary for site security.

5. Light pole heights shall be a maximum of 25 feet for the General Commercial and Industrial districts, and a maximum of 16 feet for the Central Commercial District. Greater pole heights may be allowed with site plan approval from the Planning Board.
6. Pedestrian lighting should be provided on high pedestrian volume corridors/areas or where a special design treatment is desired to supplement roadway/parking lighting. Pedestrian lighting should be consistent throughout a site and minimize variance between bright and dark areas. For high crime or activity areas, higher values may be permitted by the Permit Granting Authority.

Commercial/industrial site lighting output standards by district		
Zoning District	Maximum (footcandle)	At Property Line (footcandle)
General Commercial and Industrial	5	0
Central Commercial	5	0
Pedestrian corridors/areas	1	0

Article 19:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw, Section **5.2.1 Commercial Development and Landscaping**, by adding the following and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

Add the following to **Section 5.2.1 Purposes**:

5. To promote walking, biking and a pleasant outdoor environment for street life (use of public and semi-public space);
6. To protect and recharge water resources;
7. To minimize light pollution;
8. To prevent degradation of natural and landscape features as part of the development process;
9. To reduce use of potable water;
10. To reduce heat pollution, also known as urban heat island effects; and

11. To implement the goals of the Community Plan for Monson Center.

Article 20:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw by adding a new section to entitled “**5.2 Commercial Development and Landscaping**” and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

5.2.4 Landscaping.

1. General Commercial Development

- (a) A continuous landscaped buffer strip shall be provided to visually separate parking and other uses from the road. This buffer shall be at least fifteen (15) feet wide unless the building is located closer than fifteen (15) feet to road, in which case the buffer area shall be the distance between the building and the road.
- (b) Except for sidewalks and approved driveways, the buffer strip shall be planted with grasses, medium height shrubs, and shade trees (minimum 2.5- inch caliper, planted at least every 50 feet along the road frontage). Shade trees may be planted within the right-of-way provided that no tree is located closer than two (2) feet to any curb. Subject to the approval of the Tree Warden.

2. Village Center Commercial Development

- (a) Village Center Commercial development occurs in the Central Commercial District, and may also occur in the Mill/Mixed Use, Industrial or other Zoning Districts. The Planning Board may be required to make a determination regarding whether a proposal is subject to General Commercial Development or Village Center Commercial Development landscaping requirements.
- (b) A continuous landscaped buffer strip shall be provided to visually separate parking and other uses from the road. This buffer shall be at least eight (8) feet wide from the sidewalk unless the building is located closer than eight (8) feet to the sidewalk, in which case the buffer area shall be the distance between the building and the sidewalk. No buffer area is required where the building abuts the sidewalk.
- (c) Except for approved driveways, the buffer strip shall be planted with shade trees (minimum 2.5-inch caliper, planted at least every 25 feet along the road frontage) and a mix of shrubs, grasses, perennials, seating and other streetscape amenities (e.g. bicycle racks, decorative lighting, etc.). Hardscape plazas designed for public use are acceptable provided that vegetative landscaping is included within the

design. Turf grasses are allowed by Planning Board approval and only in areas specifically designed for public use.

1. Where power lines are present, trees shall be placed as far back from the power lines as possible, and it is acceptable to select smaller (at maturity) and slower growing shade trees or ornamental trees (e.g. American Hornbeam, Amur Maple, Eastern Red Bud, Flowering Dogwood, etc.)
- (d) Some or all shade trees required in the buffer strip may be planted instead between the sidewalk and the road edge space permitting and with Planning Board approval.
- (e) A 5-foot wide sidewalk, approved by the town Highway Department, shall be constructed along the length of the property within the right-of-way. The Planning Board may waive this requirement, or may approve a wider sidewalk to accommodate on-street dining or other commercial purposes compatible with the village center.
- (f) In cases in which there is no buffer area (i.e. the building abuts the sidewalk), the applicant shall provide appropriate streetscaping to introduce vegetation and improve the outdoor experience, including but not limited to raised planters, window boxes, hanging planters, seating, etc. Subject to the approval of the Highway Surveyor.

3. Parking Areas

- (a) At least one tree (minimum 2.5-inch caliper) per 10 parking spaces shall be provided.
- (b) Parking areas shall have a landscaped strip at least five (5) feet wide around their entire perimeter. Vegetative screening at least 3' high upon planting shall be provided to obscure car grills.
- (c) Large parking areas shall be subdivided with landscaped islands such that no paved parking surface shall extend more than 20 contiguous spaces.
- (d) Landscaped islands shall contain at least one tree (minimum 2.5-inch caliper), shall be at least five (5) feet wide, and shall contain a minimum of 36 square feet per tree. Islands shall primarily contain vegetation and/or sidewalk.
- (e) Landscaping shall be protected from intrusion and damage by parked vehicles (e.g. using wheel stops).

4. Natural Features and Soil Preservation

Development and landscaping plans shall, to the extent feasible:

- (a) Minimize land clearing, alteration of natural topography and features, destruction of vegetation, soil compaction, damage to root systems and associated environmental impacts;
- (b) Preserve scenic views and natural drainage channels on the site;
- (c) Use Best Management Practices (BMPs) for Limit-of-work controls (also known as perimeter controls or development envelopes) to establish the disturbance limits of clearing and grading activities;
- (d) Preserve and re-apply at least 6" of the site's topsoil and at least 12" of the site's subsoil.

5. Tree Preservation

Development and landscaping plans shall, to the extent feasible:

- (a) Preserve open space, existing tree stands, trees at the site perimeter, and contiguous vegetation with adjacent sites;
- (b) Preserve vegetation and trees on steep slopes, near waterbodies and near habitat areas;
- (c) Preserve specimen trees with a circumference at breast height (4.5 feet above ground) of 60 inches. The entire area within the dripline and critical root zone of preserved trees, including understory vegetation, shall be retained in an undisturbed state;
- (d) Replace any trees recommended for preservation or trees on adjacent properties that are lost during construction;
- (e) Use Best Management Practices (BMPs) to protect trees during construction (i.e. protective fencing, pruning, soil aeration, trunk wrapping, root pruning, watering, etc.);
- (f) Tree species shall be from a town approved tree list.

A Selection of Approved Street Tree Species

Botanical Name	Common Name	Notes
Acer rubrum	Red Maple	Low salt areas
Acer saccharum	Sugar Maple	In special circumstances, low salt, wide root zone areas
Cercidiphyllum japonicum	Katsura tree	Prune to single stem, moist soils
Fraxinus pennsylvanica	Green Ash	
Ginkgo biloba	Ginkgo	Male only
Gleditsia triacanthos var. inermis	Thornless Common Honeylocust	
Nyssa sylvatica	Black Gum, Tupelo	Moist soils
Quercus robur	English Oak	
Quercus rubra	Red Oak	Will tolerate poor, sandy soils
Platanus x acerifolia	London Plane Tree	
Tilia cordata	Littleleaf Linden	
Tilia americana "Redmond"	American Basswood	
Tilia americana "Greenspire"	American Linden	
Ulmus americana "Valley Forge"	Valley Forge Elm	
Ulmus americana "Princeton"	Princeton Elm	
Ulmus parvifolia "Allee"	"Allee" Lacebark Elm	
Zelkova serrata	Japanese Zelkova	

6. Reduction of Water Use

Development and landscaping plans shall, to the extent feasible:

- (a) Minimize total lawn area;
- (b) Maximize use of plants and landscaping with low maintenance requirements, and that require little or no irrigation;

- (c) Minimize use of potable water for landscape irrigation, including installing high-efficiency irrigation systems, using mulch to prevent water evaporation, and irrigating with captured water;
- (d) Incorporating Low Impact Development practices for stormwater management, including use of rain barrels and rain gardens.

7. Additional Requirements

- a. To the extent feasible, trees shall be sited to maximize shade cast over paved areas.
- b. Deciduous shade trees may be used for 100 percent of the total tree requirement. Deciduous ornamental and evergreen (coniferous) trees may be used for up to 25 percent of the total tree requirement. Where it is determined that power lines and full-grown deciduous trees will come into conflict, deciduous ornamental trees may be used for a larger proportion of the total tree requirement.
- c. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.
- d. All plantings shall be sited and maintained so as not to present a traffic visibility hazard.
- e. Landscaped areas shall be designed to detain and infiltrate stormwater runoff from driveways, sidewalks and buildings to the extent feasible. New driveways and sidewalks shall be graded accordingly.
- f. Exposed storage areas, machinery, service areas, truck loading areas, dumpsters, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen planting, or earthen beams, or wall or tight fence complemented by evergreen plantings.

Article 21:

The Town voted unanimously to amend The Town of Monson Zoning Bylaw by deleting the existing Section **5.4.1. Required Minimum/Maximum Parking Spaces in its entirety and replacing it** with the following and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

5.4.1. Required Minimum/Maximum Parking Spaces. In the Central Commercial District,

there shall be provided and maintained off-street automobile parking and spaces accessed by a driveway in connection with the construction, conversion or increase by units or dimensions of buildings, structures and use in the following amounts:

Land Use	Spaces Required - per 1000 square foot (sf) of Gross Floor Area (GFA):	
	Maximum	Minimum
Residential		
Single Family Residences	4 per dwelling unit	2 per dwelling unit 1 per Accessory Apartment 1 per unit <700 sf total area
Home Occupation	4 per dwelling unit plus 1.5 per nonresident employee	2 per dwelling unit plus 1 per non-resident employee
Bed and Breakfast	1.2 spaces per guest room or suite	1 space per guest room or suite
Multi-Family Residences	2.5 per dwelling unit	1 per dwelling unit
Elderly and Handicapped Congregate Housing	1 ½ spaces for each sleeping room	1 ½ spaces for each sleeping room
Institutional		
Theater, Assembly Hall or Auditorium having fixed seats	1 space for each 4 seats	
Other places of public assembly and public recreation including:		
• Museums, Libraries, Art Galleries, Government Buildings, Craft Centers	2	1
• Social/Fraternal Clubs and Organizations	4	3
• Indoor Recreation Facilities	5	5
Churches and Places of Worship	1 space per 3 seats in portion of the building used for services	1 space per 5 seats in the portion of the building used for services
Day Care Centers	1 space per 4 children at max. capacity	1 space per 8 children at max. capacity
Elementary, Middle and High Schools	1 space per 3 seats in the auditorium (plus plus one space for each 10 students for High Schools)	1 space per 5 seats in the auditorium (plus plus one space for each 10 students for High Schools)
Nursing Home	3	2
Business		
General Office Building	4	2

Medical Office Building	8	2
Bank/Personal Services	3	2
Free Standing Retail	3	1
Small Shopping Centers	6	3
Big Box Retail	4	2
Gymnasiums, Physical Fitness Centers, Health Spas, Martial Arts Centers and Dance Studios	3	1
Restaurants, Taverns	10	6
Drive-Thru Restaurant	9	2
Commercial Kennel, veterinary establishments	3	1
Hotels, Motels, Tourist Home	1.2 spaces per guest room or suite	1 space per guest room or suite
Automotive Repair and/or Service	4	2
Automotive Sales and/or Rentals	3	1
Outdoor Recreation Facilities	As determined by the Special Permit Granting Authority based on a parking demand study.	As determined by the Special Permit Granting Authority based on a parking demand study.
Industrial		
Industrial Plant	2	1
Warehouse	1	1
Self Service Warehouse	1 space per 10 compartments	1 space per 20 compartments
Other		
Any use permitted in this Bylaw not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Building Inspector	Closest similar use as shall be determined by the Building Inspector

Article 22:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw, Section **5.4 Off Street Parking and Loading**, by adding the following new sections and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

5.4.5 Access.

One driveway per lot shall be permitted as a matter of right. Where deemed necessary by the Planning Board, two driveways may be permitted as part of the Site Plan Approval process, which shall be clearly marked “entrance” and “exit”.

5.4.6 Off Street Parking for Central Commercial District.

The purpose of this section is to establish flexible regulations designed to ensure that adequate parking is provided for the Central Commercial District. This section balances the need for providing adequate parking with the need to maintain the character and fabric of Monson Center and the Central Commercial District. With the clustering of uses and buildings in the Central Commercial District creative alternatives can be utilized to reduce the number of parking spaces required, but still meet the parking demand, strengthening the center's economy and improving its appearance. These alternatives provide an opportunity for landowners and developers to work with the town to arrive at innovative parking solutions.

For the Central Commercial District, no additional off-street parking is required for the continued use or reuse of existing buildings, as long as that use or reuse does not increase the total floor area within the building. However, off-street parking shall be provided for any new structure, for an enlargement or addition to an existing building, in accordance with Section 5.4.5.1. For purposes of this Bylaw, the replacement of an amount of floor space equal to that in existence at the time of enactment of this Ordinance is not considered to be an addition of new space.

5.4.7 Location and layout.

1. Location. All required parking shall be provided on the same lot with the main use it is to serve or, on a lot that is in the same ownership as, and located within, five hundred (500) feet of the main use, except as provided in Sections 5.4.5.3, 5.4.5.4. or 5.4.5.8 of this Section.

Parking required for two or more buildings or uses must be provided on the same lot as the main use or, on a lot under the same ownership in combined facilities where it is evident that such facilities will continue to be available for the several buildings or uses, except as provided in Sections 5.4.5.3, 5.4.5.4., 5.4.5.7 or 5.4.5.8 of this Section.

2. All off-street parking shall be located behind or to the side of the principal building. This is intended to maintain the pedestrian friendly orientation and the historic character of the District.
3. Size. In a parking lot or parking building up to sixty percent (60%) of the parking bays must be 9 feet by 18 feet in size. The remaining forty percent (40%) may have a reduced bay size of 8 feet by 16 feet to accommodate smaller cars. These bay sizes are exclusive of adequate driveways and aisles which must have direct access to a street or alley. In the case of perpendicular parking, a minimum aisle width of twenty-four (24) feet must be maintained. Bumper or wheel guards shall be provided when needed. Compact car spaces shall be grouped together to the greatest possible extent in areas clearly designated for compact cars.

4. Lighting, Landscaping. See Section 5.2 COMMERCIAL DEVELOPMENT AND LANDSCAPING.
5. Surface and Maintenance. For all new construction, all off-street parking facilities shall be surfaced with bituminous concrete or its equal ("equal" to be determined by the Building Inspector for by-right uses and by the Permit Granting Authority for Special Permits/Site Plan Approvals), with adequate drainage, and periodically maintained by the owner or operator, and such facilities shall be arranged for convenient access and safety of pedestrians and vehicles. Surfacing, grading, and drainage shall facilitate groundwater recharge in order to reduce stormwater runoff.
6. Marking and Striping. Parking spaces must be clearly marked and striped.

5.4.8 Shared Parking.

In the Central Commercial District the Planning Board may issue a Special Permit permitting the use of parking spaces for more than one use on the same parcel or on a lot that is in the same ownership as, and located within, five hundred (500) feet of the uses when they find that the applicant has submitted an adequate Parking Management Plan (including supportive documentation) showing that:

- a. the peak parking demand generated by the uses occur at different times, and;
- b. there will be adequate parking for the combined uses at all times.

The Parking Management Plan (including supportive documentation) shall be prepared by a Registered Land Surveyor, Engineer, Landscape Architect, Architect or Transportation Planner licensed (where required) to practice in Massachusetts. The Planning Board may permit said Parking Management Plan to be prepared by others in cases where they find that because of the size or nature of the project the above level of expertise is not required.

Shared Parking can also be provided on a lot that is not under the same ownership in conjunction with the requirements of this Section provided that it also receives a Special Permit and complies with the requirements of Section 5.4.5.4.

5.4.9 Off-Site Parking.

In the Central Commercial District the Planning Board may issue a Special Permit permitting the providing of required parking for a use on a lot that is not under the same ownership when they find that the applicant has submitted an adequate Parking Management Plan (including supportive documentation) showing that:

- a. that the parking spaces are also located in the Central Commercial District;

- b. the parking is suitably located in the neighborhood in which it is proposed;
- c. the parking has adequate paving, landscaping, screening, lighting, curbing or wheel stops, and provides for safe vehicular and pedestrian circulation on the site and at all curb-cuts with abutting streets;
- d. the applicant has submitted sufficient legal documentation (approved by the Planning Board and shall be included as an enforceable condition of any Building Permit, Site Plan approval, or Special Permit) guaranteeing access to, use of, and management of designated shared parking spaces on the parcel.

It should be noted that said Special Permit is contingent upon the continued ability to legally use the off-site facility and that said Special Permit, and any uses dependent on it, shall terminate upon the termination of any legal agreements permitting the use of said off-site parking. The use for which the parking was being provided at the off-site facility shall cease upon the termination of said Special Permit until such time as adequate parking is provided in accordance with the requirements of the Zoning Ordinance.

The Parking Management Plan (including supportive documentation) shall be prepared by a Registered Land Surveyor, Engineer, Landscape Architect, Architect or Transportation Planner licensed (where required) to practice in Massachusetts. The Planning Board may permit said Parking Management Plan to be prepared by others in cases where they find that because of the size or nature of the project the above level of expertise is not required.

5.4.10 Reduction of Required Parking.

In the issuance of a required Special Permit or Site Plan Approval the permitting authority can approve a reduction of up to 20% in the number of required parking spaces in Section 5.4.5.1 where the applicant can provide a Parking Management Plan demonstrating that a reduction is warranted as a result of the utilization of transportation demand management measures which reduce automobile use, which may include:

- a. The availability of public transportation;
- b. the subject property lies within walking distance from shopping, employment, restaurants, housing, schools, and other trip destinations;
- c. the provision of bicycle storage facilities to encourage bicycling.

5.4.11 Access/Curb-Cuts to Off Street Parking Areas.

Access to lots shall be in accordance with the provisions of Section 5.2.3.

In an effort to reduce the number of curb-cuts and turning movements onto Main Street, where an existing parcel has more than one curb-cut accessing onto Main Street, the Planning Board may issue a Special Permit allowing for a reduction of up to an additional 20% of required parking spaces where they find that:

- a. some or all of these extra curb-cuts will be eliminated and discontinued, and;
- b. such eliminated and discontinued curb-cut(s) is sufficiently designed to physically prevent vehicles from using said curb-cut, and;
- c. there is still sufficient parking provided on-site (or as otherwise permitted under this bylaw) to accommodate the use.

Abutting property owners are encouraged to coordinate access to their lots including utilizing common curb-cuts and driveways under reciprocal easements. In the issuance of a required Special Permit or Site Plan Approval the permit granting authority can waive setback and related requirements to achieve this where the applicant demonstrates that the curb-cut and access driveway design improves traffic circulation and reduces the number of turning movements onto Main Street. Said Special Permit/Site Plan Approval shall not become effective until the easement has been recorded, notwithstanding the provisions above.

5.4.12 Combined Parking Lots.

Abutting property owners are encouraged to coordinate parking layouts, including combining and connecting, with adjacent parking lots. In the issuance of a required Special Permit or Site Plan Approval the permit granting authority can waive setback and related requirements to achieve this where the applicant demonstrates that the parking design improves traffic circulation and provides better utilization and higher occupancy rates and minimizes trips onto Main Street.

The permit granting authority may also permit a reduction in the number of parking spaces required if the applicant demonstrates that the combined parking will still provide sufficient parking to meet the needs of the project.

5.4.13 Fees-In-Lieu of Parking.

Within the Central Commercial District, in cases where it is not possible or desirable to meet the required number of off-street parking spaces, the Planning Board may issue a Special Permit allowing a fee of \$2,000 per required parking space to be paid to the town of Monson for required off-street parking spaces not provided where they find that:

- a. the parking required cannot be physically provided to serve the use, and;

- b. the payment into the fund would ultimately lead towards addressing the parking demand generated by the use by adding parking spaces in municipal parking areas and facilities serving the same general area in which the increased parking demand will be generated.

Fees paid to the town in lieu of providing required parking spaces on-site, shall be deposited into a Downtown Parking Reserve Account to be used solely for expenses related to increasing parking to serve the Central Commercial District.

Article 23:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw by deleting the existing Section **6.13 MIXED USES and MIXED RESIDENTIAL/BUSINESS USES in its entirety and replacing it** with the following and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

6.13 MIXED USES and MIXED RESIDENTIAL/BUSINESS USES

6.13.1 Mixed use and mixed residential/business use structures shall be permitted in the Central Commercial and General Commercial districts only upon issuance of a special permit with Site Plan Approval from the Zoning Board of Appeals as specified in Sections 7.3 and 7.4 of this Bylaw, and in accordance with the additional requirements specified herein.

6.13.2 General Description. A “Mixed Residential/Business Use” shall mean one or more business uses plus residential uses occupying the same structure or lot.

6.13.3 Purposes. The purposes of a mixed-use or mixed residential/business use development are to:

1. encourage the reuse of surplus or abandoned real estate within the Town Center;
2. promote a diversity of uses to improve retail, professional and other services available to Monson residents;
3. integrate appropriate limited residential uses in the commercial districts.

6.13.4 Permitted Uses.

1. The following uses shall be permitted in a mixed use structure:
 - a. Places of public assembly including libraries, museums, art galleries, craft centers, recreation and community centers, and membership clubs;

- b. retail establishments selling convenience goods such as food, drugs, and proprietary goods;
 - c. general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items;
 - d. personal and consumer service establishments, medical, other professional and business offices including financial, insurance and real estate offices.
2. In addition to the uses permitted above in Section 6.13.4.1, the following use is also permitted in a mixed residential/business structure:
- a. Residential uses, provided all residential units are located above the first floor/street level of the building. Residential units may be permitted in first floor portions of the building that do not front or access on the street frontage.

6.13.5 Additional General Requirements

- 1. Applicants for Mixed Use and Mixed Residential/Business Use shall follow the Special Permit procedures specified in Section 7.3 and the Site Plan Approval procedures specified in Section 7.4.
- 2. In cases of mixed occupancy, the regulation for each use shall apply to the portion of the building or land so used.
- 3. For mixed residential/businesses uses there shall be provided on the lot at least fifty (50) square feet of usable open space which is landscaped for each dwelling unit, except in the case of existing buildings where this provision shall apply only to the maximum extent practicable. In lieu of providing open space on the ground, this requirement can also include pen areas accessible to all residents of the building provided on a balcony, deck or flat surface of a structure provided it is suitable for the use intended.
- 4. The Planning Board may issue a Special permit allowing for a reduction of Dimensional and Density requirements when establishing or re-establishing a residential use within an existing structure or establishing/re-establishing a business use within an existing residential structure. Where a mixed use or mixed residential/business use may be located in the CC and GC districts, and where such use is proposed for a structure which is in existence on the date of the adoption of this Bylaw, and which has not been substantially changed since that date, and where such use is proposed for a lot which has not been

decreased in size since the date of such adoption, a reduction in certain of the requirements contained in the Table of Dimensional and Density Regulations may be authorized by Special Permit from the Planning Board and to the additional provisions:

- a. A reduction in the minimum lot size requirement may be allowed to the extent that the number of proposed dwelling units shall not exceed that which may be determined by the Planning Board as being appropriate (based on floor plans submitted with the application) for the particular building in question, and provided that no individual dwelling unit shall be smaller than six hundred (600) square feet in living space;
- b. A relaxation in the requirements dealing with building coverage, floor area ratio, and open space, may be allowed by the Planning Board, provided that it finds that the total number of dwelling units will not increase above that which might otherwise be possible.

Article 24:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw by adding the following new section and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

6.24 Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD)

1. Purposes.

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and Off-site Medical Marijuana Dispensary (hereafter referred to as an OMMD) facilities is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Monson.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Marijuana Dispensaries and Off-site Medical Marijuana Dispensaries will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (hereafter referred to as MDPH).

2. Additional Requirements/Conditions

In addition to the standard requirements for uses permitted By-right, by Site Plan the following shall also apply to all Registered Marijuana Dispensaries (RMD) and Off-Site Medical Marijuana Dispensaries (OMMD):

a. Use:

- i. RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- iii. The hours of operation shall be set by the Planning Board, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
- iv. RMD facilities that can demonstrate that they comply with the agricultural exemption under M.G.L. Chapter 40A, Section 3 must still apply for Site Plan Approval.

b. Physical Requirements:

- i. All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
- ii. No outside storage is permitted.
- iii. No OMMD Facility shall have a gross floor area in excess of 2,500 square feet.
- iv. Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:
 1. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and

2. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
 - v. Signage shall be displayed on the exterior of the RMD and OMMD facility's entrance in plain sight of clients stating that "Registration Card issued by the MA Department of Public Health required" in text two inches in height.
- c. Location:
- i. No RMD and OMMD facility shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest points of each property line) of parcel occupied by:
 1. a public or private elementary, junior high, middle, vocational or high school, college, junior college, university or child care facility or any other use in which children commonly congregate in an organized ongoing formal basis, or
 2. another RMD or OMMD facility, except that this limitation shall not apply in Industrial zones.
 - ii. No RMD or OMMD facility shall be located within three hundred (300) feet (to be measured in a straight line from the nearest points of each property line) of a residential use (including commercial residential uses such as hotels, motels, lodging houses, etc.) or residential zoning district.
 - iii. No RMD or OMMD facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- d. Reporting Requirements.
- i. All Site Plan Approval holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Building Inspector and the Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the

establishment. All such contact information shall be updated as needed to keep it current and accurate.

- ii. The Building Inspector, Board of Health, Police Department, Fire Department and Planning Board shall be notified in writing by an RMD or OMMD facility owner/operator/ manager:
 - 1. A minimum of 30 days prior to any change in ownership or management of that facility
 - 2. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.
 - iii. Permitted RMD and OMMD facilities shall file an annual report to and appear before the Planning Board no later than January 31st, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
 - iv. The owner or manager is required to respond by phone or email within twenty-four hours of contact by a town official concerning their RMD or OMMD at the phone number or email address provided to the Town as the contact for the business.
- e. Issuance/Transfer/Discontinuance of Use
- i. Site Plan Approvals shall be issued to the RMD Operator.
 - ii. Site Plan Approvals shall be issued for a specific site/parcel.
 - iii. Site Plan Approvals shall be non-transferable to either another RMD Operator or site/parcel.
 - iv. Site plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:
 - 1. If the permit holder ceases operation of the RMD, and/or
 - 2. The permit holder's registration by MDPH expires or is terminated

- v. The permit holder shall notify the Zoning Enforcement Officer and the Planning Board writing within 48 hours of such lapse, cessation, discontinuance or expiration.
- vi. An RMD or OMMD facility shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.
 - 1. Prior to the issuance of a Building Permit for a RMD or OMMD the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

3. Application Requirements

In addition to the standard application requirements for Site Plan Approval, such applications for an RMD or OMMD facility shall include the following:

- a. The name and address of each owner of the RMD or OMMD facility/operation.
- b. A copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation that demonstrates that said RMD or OMMD facility, and it's owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health.
- c. Evidence that the Applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.
- d. A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated

representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.

- e. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the RMD or OMMD including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- f. A detailed floor plan identifying the areas available and functional uses (including square footage).
- g. All signage being proposed for the facility.
- h. A traffic study to establish the RMD or OMMD impacts at peak demand times.
- i. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.

4. Findings

In addition to the standard Findings for Site Plan Approval the Planning Board must also find all the following:

- a. That the RMD or OMMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- b. That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- c. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- d. That the RMD or OMMD facility has shown that it provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured; and

- e. That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

Article 25:

The Town voted unanimously to amend the Town of Monson Zoning Bylaw, Section **7.4.1 Site Plan Approval** by adding the following and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

9. The location, dimensions, height, orientation, design and characteristics of proposed lighting, including a lumens plan;
10. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, lot coverage, floor area, parking spaces, landscaping and open spaces as they are required;
11. Location, width and purpose of all existing and proposed easements and rights-of-way on the property;
12. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas as well as well as other underground and above ground utilities. All public utilities shall be placed underground unless the applicant can substantiate that such underground placement is impractical;
13. All refuse containers and screening.

Article 26:

The Town voted unanimously to approve the following **Resolution to Seek Lower Electric Rates in a Competitive Market**.

Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and

Whereas, the citizens of the Town of Monson in Hampden County have substantial economic, environmental, and social interests at stake; and

Whereas, Monson's residential and business consumers are interested in reducing their electricity rates;

Be it therefore resolved, that the Town Meeting of Monson grant the Board of Selectmen authority to develop and participate in a contract, or contracts, for power supply and other related

services, independently, or in joint action with other municipalities through the Hampshire Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and

Be it further resolved, that the Board of Selectmen may appoint a representative for a committee to oversee such joint action.

I hereby certify that the Special Town Meeting was duly called according to the bylaws and the Warrant was properly posted. The meeting convened at 7:18 pm and after completion of the articles, the meeting was dissolved at 8:55 pm.

A True Copy ATTEST:

Mary F. Watson
Asst. Town Clerk

